APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,848	01/13/2006	Ku-Bong Min	2080-3483	2342

35884   7590   10/22/2010
LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER
KEEHN, RICHARD G

ART UNIT	PAPER NUMBER
2456	

NOTIFICATION DATE	DELIVERY MODE
10/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

	Application No.	Applicant(s)
Office Action Summary	10/564,848	MIN ET AL.
	Examiner	Art Unit	
	RICHARD G. KEEHN	2456	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 August 2010</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>47-58</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>47-58</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/29/2010</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   **Claims 47-58 have been examined and are pending.**

2.   **Claims 1-46 are cancelled.**

3.   **Claims 57 and 58 are new.**

4.   **Claim amendments necessitate a new ground of rejection. Accordingly,
      this Office action is made FINAL.**

Response to Arguments

5.   Applicant's arguments with respect to claims 47-58 have been considered but are
moot in view of the new ground(s) of rejection.

Specification

6.   **The specification is objected to as failing to provide proper antecedent
basis for the claimed subject matter.** See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).
Correction of the following is required: the independent claims recite a different location
mode but a different location mode is not described in the disclosure, nor in the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of
making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
set forth the best mode contemplated by the inventor of carrying out his invention.

**7.   Claims 47, 52, 57 and 58 are rejected under 35 U.S.C. 112, first paragraph,
as failing to comply with the written description requirement.** The claim(s)
contains subject matter which was not described in the specification in such a way as to
reasonably convey to one skilled in the relevant art that the inventor(s), at the time the
application was filed, had possession of the claimed invention.

    a.   Specifically, the claimed limitations:

        i.   a different location mode;

        ii.   a first command including the transport state values and the
rendering state values;

        iii.   a second command including the transport state values and the
rendering state values;

        iv.   wherein the control device requests the server to transmit the
stored transport state values and the stored rendering state values to the
control device,

        are not supported in the disclosure.

    b.   The specification is silent on the two claimed modes. It discusses a pull
and push mode, but not a same location mode and a different location mode.
The disclosure is silent on the first and second commands. The specification
describes the first control device requesting to transmit stored transport state
values and the stored rendering state values to a SECOND control device via a
server device, but not back to itself.

      c.   In re-reading the specification and amended claims, Examiner notices that

the described embodiments all have two control points to function, not one. All of

the described embodiments discuss how one control point is able to

communicate control information to a second control point through a server

device. Applicant may wish to revise the claims to reflect the specification.

      The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

8.   **Claims 47, 52, 57 and 58 are rejected under 35 U.S.C. 112, second**

paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

      d.   The term "current" in claims 47, 52, 57 and 58 is a relative term which

renders the claim indefinite. The term "current" is not defined by the claim, the

specification does not provide a standard for ascertaining the requisite degree,

and one of ordinary skill in the art would not be reasonably apprised of the scope

of the invention. Therefore the limitations rendering status, streaming status and

playback status are rendered indefinite.

      e.   As to claims 47, 52, 57 and 58, there is no description of the different

location mode that would allow one of ordinary skill in the art to understand how

the different location mode operates.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9.   **Claims 47-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0243700 A1 (Weast), and further in view of US 2003/0046338 A1 (Runkis).**

As to Claims 47, 52, 57 and 58, Weast discloses a method, apparatus, method and apparatus, respectively, for controlling content playback related information in a network including a server, a playing device, and a control device, the control device being used for controlling the server and the playing device (Weast discloses the server, control point, renderer - ¶ [0020]), the server and the playing device configured in either different location mode or same location mode (Weast discloses the push and pull modes equivalent to what Applicant calls the different and same location modes - ¶ [0052]), the method being performed by the control device and comprising:

matching a protocol and a data format between the server and the playing device, the server and the playing device configured in same location mode (Weast discloses the discovery process that the control point uses to determine compatible servers and renderers - ¶¶ [0053, 0066, 0097, 0098]), wherein rendering state values are, when a media content is reproduced according to the same location mode, used in same device for streaming and rendering the media content, the rendering state values associated with current rendering status of the media content, the rendering state values being transmitted separated from the media content, and the media content

including at least one of audio data and video data (Weast discloses that the control

point controls the transfer of information between itself, the server and renderer such

that it operates in either the push or pull mode wherein the control point either sets the

state on the server to push the media to the renderer, or instructs the renderer to pull

the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060];

and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling

rendering using sound volume information - ¶ [0086]; Weast discloses the separate

control information and stream paths – Figure 1, elements 142, 144 and 146 and

associated text);

      requesting the playing device matched with the server in the protocol and data

format to receive and render the media content streamed from the server (Weast

discloses that the control point controls the transfer of information between itself, the

server and renderer such that it operates in either the push or pull mode wherein the

control point either sets the state on the server to push the media to the renderer, or

instructs the renderer to pull the information from the server to be used for rendering –

¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146;

Weast discloses controlling rendering using sound volume information - ¶ [0086]);

      requesting the playing device to transmit the rendering state values associated

with a current playback status of the media content to the control device, whereby the

current playback status is stored in the server (Weast discloses that the control point

controls the transfer of information between itself, the server and renderer such that it

operates in either the push or pull mode wherein the control point either sets the state

on the server to push the media to the renderer, or instructs the renderer to pull the

information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and

Figure 1, elements 102, 104, 106, 142, 144 and 146); and

sending a first command including the rendering state values transmitted from

the placing device to the server to store the rendering state values (Weast discloses the

request by the control point to the server for the server to provide the media contents to

the renderer - ¶ [0052]; and discloses the push and pull modes equivalent to what

Applicant calls the different and same location modes - ¶¶ [0052 and 0060]),

wherein the control device requests the server to transmit the stored rendering

state values to the control device (Weast discloses the request to send the control

metadata (transport and rendering) to the control point - ¶ [0047]),

wherein the control device sends a second command including the rendering

state values transmitted from the server to the playing device such that the playing

device sets the rendering state values included in the second command (Weast

discloses that the control point controls the transfer of information between itself, the

server and renderer such that it operates in either the push or pull mode wherein the

control point either sets the state on the server to push the media to the renderer, or

instructs the renderer to pull the information from the server to be used for rendering –

¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146;

Weast discloses controlling rendering using sound volume information - ¶ [0086]), and

wherein the media content is streamed from the server to the playing device and

is rendered in the playing device according to the set rendering state values (Weast

discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]).

Weast does not disclose the transport state values associated with current streaming status of the media content; the transport state values; the transport state values included in the second command for recovering the stored playback status of streaming the media content; and according to the set transport state values. However Runkis discloses

the transport state values associated with current streaming status of the media content (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback) and

the transport state values (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback); and

and the transport state values included in the second command for recovering
the stored playback status of streaming the media content (Runkis, Page 7, ¶ [0078]
discloses the user requesting to continue playback of a movie which includes the
rendering state of where the user stopped watching previously and data content control
of where to restart the audio and video playback content services, the resumption
information being audio and visual characteristics of playback); and

according to the set transport state values (Runkis, Page 7, ¶ [0078] discloses
the user requesting to continue playback of a movie which includes the rendering state
of where the user stopped watching previously and data content control of where to
restart the audio and video playback content services, the resumption information being
audio and visual characteristics of playback).

It would have been obvious to one of ordinary skill in the art to combine the
transport state values being captured for later use, taught by Runkis, with with
controlling content playback related information in a network including a server, a
playing device, and a controller, the controller being used for controlling the server and
the playing device taught by Weast, in order to allow a user to resume playback of
media from where they left off instead of having to restart and search for where they left
off (Runkis - ¶ [0159]).

NOTE: Claims 57 and 58 add the limitations of playing position and sound
volume setting which are disclosed by the combination of Weast and Runkis (Weast
discloses controlling rendering using sound volume information - ¶ [0086]; Runkis, at ¶
[0078] discloses a service being capable of storing the state of playback, and retrieving

and rendering at a different location from the point in the rendering where playback was interrupted; ¶ [0078] discloses the rendering state being captured for the restart of rendering at another location. ¶ [0049] discloses the use of multiple PANO objects which are a superobject encompassing both software and hardware. ¶ [0065] discloses that the PANO monitors, controls and regulates data transfers across a network. ¶ [0073] discloses that the server in this PANO network is the central controller's database, wherein the user's preference codes are transferred as an input argument to the central controller. ¶ [0072] discloses user-generated data files being stored in a non-volatile storage medium. ¶¶ [0078 and 0097] disclose that a PANO {which can be playing device} sends user-generated data among other PANO's for purposes of controlling the user's "programming" such as the resumption information being audio and visual characteristics of playback; ¶¶ [0073-0074] disclose the request signal).

As to Claim 48, the combination of Weast and Runkis discloses the method of claim 47, further comprising

comparing the protocol and the data format between the playing device and the server to prepare a connection between the playing device and the server (Weast discloses the discovery process that the control point uses to determine compatible servers and renderers - ¶¶ [0053, 0066, 0097, 0098).

As to Claim 49, the combination of Weast and Runkis discloses the method of claim 47,

wherein the transport state values are associated with an audio/video (AV) transport application provided by the playing device (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback).

The motivation and obviousness arguments are the same as in Claim 47.

As to Claim 50, the combination of Weast and Runkis discloses the method of claim 47,

wherein the rendering state values are associated with a rending control application provided by the playing device (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback).

The motivation and obviousness arguments are the same as in Claim 47.

As to Claim 51, the combination of Weast and Runkis discloses the method of claim 47,

wherein the transport and rendering state values are stored in the server with identification information for identifying the stored transport and rendering state values

(Runkis at ¶ [0072] discloses user-generated data files being stored in a non-volatile storage medium identifying the user by virtue of being user-generated).

The motivation and obviousness arguments are the same as in Claim 47.

As to Claim 53, the combination of Weast and Runkis discloses the apparatus of claim 52,

wherein the protocol and the data format between the playing device and the server are compared to prepare a connection between the playing device and the server (Weast discloses the discovery process that the control point uses to determine compatible servers and renderers - ¶¶ [0053, 0066, 0097, 0098).

As to Claim 54, the combination of Weast and Runkis discloses the apparatus of claim 52,

wherein the transport state values are associated with an audio/video (AV) transport application provided by the playing device (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback).

The motivation and obviousness arguments are the same as in Claim 47.

As to Claim 55, the combination of Weast and Runkis discloses the apparatus of claim 52,

wherein the rendering state values are associated with a rending control application provided by the playing device (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback).

The motivation and obviousness arguments are the same as in Claim 47.

As to Claim 56, the combination of Weast and Runkis discloses the apparatus of claim 52,

wherein the transport and rendering state values are stored in the server with identification information for identifying the stored transport and rendering state values (Runkis at ¶ [0072] discloses user-generated data files being stored in a non-volatile storage medium identifying the user by virtue of being user-generated).

The motivation and obviousness arguments are the same as in Claim 47.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RICHARD G. KEEHN whose telephone number is

(571)270-5007. The examiner can normally be reached on Monday through Thursday,

9am - 8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rupal D. Dharia/
Supervisory Patent Examiner, Art
Unit 2400

RGK